

APPENDIX
Additional Guidelines Or Suggested Practices

PART V: OUT OF FAMILY INVESTIGATIONS

GUIDELINES FOR INVESTIGATIONS OF SCHOOL PERSONNEL

The following procedures have been reviewed by both the Department of Education and the Department of Social Services and are recommended. They are offered as a recommended model for handling child protective services reports. The model should be adapted to meet local needs.

SECTION I – REPORTING CHILD ABUSE AND NEGLECT BY SCHOOL EMPLOYEES

A. Responsibilities of Local School Employees

1. According to Virginia state law, any teacher or other person employed in a public school is a mandated reporter.
2. As such, any teacher or other person employed in a public school is required to report all instances of suspected abuse and neglect of children under age 18 to local departments of social services.
3. When reporting child abuse or neglect, the local school employee must share with the local department of social services all information which establishes the basis for the suspicion of abuse or neglect of the alleged victim child.
4. Each school should have a designated contact person to whom all reports from school staff on suspected child abuse or neglect will be made. A back-up person should also be designated.
5. When reports of suspected child abuse or neglect are received from school staff by the contact person, the contact person will immediately transmit the report to the local department of social services or to the State Hotline (1-800-552-7096). The obligation of the designated contact person to report cases of suspected child abuse or neglect brought to his attention by staff members is not discretionary and the contact person shall assure that the case is duly reported.
6. If a complainant believes that a delay resulting from following these procedures would be detrimental to the child, he may report this case directly and then inform the designated contact person of his referral.

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B. Responsibilities of Local Departments of Social Services

1. Local departments of social services shall have the capability of receiving reports on a 24-hours-a-day, 7-day-a-week basis.
2. Local departments of social services shall provide information and cooperate in training the local school division personnel regarding their responsibilities to report suspected child abuse or neglect, methods of reporting suspected incidents, and the role and functions of the local departments of social services in child abuse and neglect.

SECTION III – INVESTIGATIONS OF CHILD ABUSE AND NEGLECT WHEN THE CHILD IS ALLEGED TO HAVE BEEN ABUSED/NEGLECTED IN AN IN-HOME SETTING

A. Responsibilities of Local School Divisions

1. The school shall allow the local child protective services worker to interview the child or siblings without consent of parent/guardian. The interview shall be in private, without the presence of school personnel, in order to protect the family's right to privacy.
2. The local school division shall cooperate with the needs of the CPS worker, and provide the following resources, as appropriate:
 - a. Room/private space for interviews of child(ren);
 - b. Pertinent records such as home and work phone numbers of child's parents/guardians and home address for child(ren).

B. Responsibilities of Local Departments of Social Services

1. Upon receipt of the complaint, the local social services department will conduct an immediate investigation. The local child protective services worker assigned to investigate will contact the designated school contact person to arrange, if necessary, for:
 - a. Securing further information in regard to the complaint;
 - b. Obtaining records and/or documentation relative to the complaint on which may be the basis for the complaint;

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- c. Child's home address and work and home telephone numbers of his parents or guardians.
 - d. Arrangements to see and interview the child at school when necessary.
2. If the investigation requires the CPS worker to go onto school premises, the local CPS worker shall inform the site administrator or designee of the need for private space to interview the victim child.
3. The CPS worker shall complete the investigation and make a disposition with 45 (or 60 days when an extension is documented to be necessary), unless the alleged abuser waives these time frames.
4. If the initial report was made by a school employee, that individual shall receive a written communication from the local department of social services informing him that the investigation has been completed, and either that the disposition was "Unfounded," or that "Appropriate action has been taken."

SECTION IV - INVESTIGATIONS OF CHILD ABUSE AND NEGLECT WHEN THE CHILD IS ALLEGED TO HAVE BEEN ABUSED/NEGLECTED BY A SCHOOL EMPLOYEE

A. Responsibilities of Local School Divisions

1. The local school site administrator, or designee, if there is no conflict of interest, may participate in the planning of the investigation when the report names a school employee as the alleged abuser or neglecter.
2. If the investigation involves a school employee as the alleged abuser, the local school division shall cooperate with the needs of the CPS worker, and provide the following resources, as appropriate:
 - a. Room/private space for interviews of staff and children;
 - b. Accompaniment to the site of the alleged abuse;
 - c. Pertinent policies, procedures and records;
 - d. Names, functions, and roles of involved parties;
 - e. Work schedules of staff;
 - f. Phone numbers of collateral children's parents/guardians in order for the CPS worker to gain permission to interview them.

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3. Allow the local CPS worker to interview the alleged victim child and siblings in private, without the presence of school personnel, in order to protect the family's right to privacy.

B. Responsibilities of Local Departments of Social Services

1. Conduct an immediate investigation upon receiving a report about suspected incidents of child abuse or neglect.
2. If the investigation requires the CPS worker to go onto school premises, the local CPS worker shall inform the site administrator or designee of the allegations being investigated, the subjects named in the report [alleged abuser and alleged victim child(ren)], and the CPS role and expectations, including private space to interview the victim child.
3. If the investigation involves a school employee as the alleged abuser, and if there is no conflict of interest, the CPS worker shall invite the site administrator or designee to participate in the planning of a joint investigation.
4. If the investigation involves a school employee as the alleged abuser, the CPS worker must request from the administrator the following resources, as appropriate:
 - a) Room/private space for interviews of staff and children;
 - b) Accompaniment to the site of the alleged abuse;
 - c) Pertinent policies, procedures and records;
 - d) Names, functions, and roles of involved parties;
 - e) Work schedules of staff;
 - f) Phone numbers of collateral children's parents/guardians in order to gain permission for the CPS worker to interview them.
5. If the investigation involves a school employee as the alleged abuser, the CPS worker shall interview the alleged abuser according to a plan developed jointly with the facility administrator or designee. Where there is an apparent conflict of interest, the CPS worker shall use discretion regarding who is to be present in the interview.
6. If the investigation involves a school employee as the alleged abuser, the CPS worker shall inform the alleged abuser that he has the right to involve a representative of his choice to be present during the interviews. The CPS worker should also inform him if anyone other than the CPS worker is planning to be present.

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7. If the investigation involves a school employee as the alleged abuser, the CPS worker shall provide him the allegations in writing, and offer to tape record the interview, and provide a copy to the alleged abuser at the earliest convenience.
8. If the investigation involves a school employee as the alleged abuser, the CPS worker shall interview collateral staff witnesses, as appropriate, according to a plan developed jointly with the facility administrator or designee. Where there is an apparent conflict of interest, the CPS worker shall use discretion regarding who is to be present in the interview.
9. If the investigation involves a school employee as the alleged abuser, the CPS worker shall keep the facility administrator or designee apprised of the progress of the investigation on an ongoing basis until the investigation is completed.
10. The CPS worker shall complete the investigation and make a disposition with 45 (or 60 days when an extension is documented to be necessary), unless the alleged abuser waives these time frames.
11. If the investigation involves a school employee as the alleged abuser, when the investigation is completed and a disposition is made, the CPS worker shall verbally notify both the alleged abuser and the facility administrator. The alleged abuser should be informed first, or at the same time as the administrator or designee.
12. If the investigation involves a school employee as the alleged abuser, a written report of the findings shall be submitted to the facility administrator, with a copy to the school's Superintendent, and with a copy to the alleged abuser along with his disposition notification letter and appeal notification. This report of findings shall include a summary of the investigation, with an explanation of how the information gathered supports the disposition.
13. The local department of social services shall inform the parent or guardian or agency holding custody of the victim child written notification of the disposition, with a verbal follow-up. The CPS worker may use discretion in determining the extent of investigative findings to share with the parent; however, sufficient detail must be provided for the child's custodian to know what happened to his child, to make plans for the child, and to provide needed support and services.

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14. If the initial report was made by a school employee, that individual shall receive a written communication from the local department of social services informing him that the investigation has been completed, and either that the disposition was "Unfounded," or that "Appropriate action has been taken."

SECTION V - FOLLOW-UP TO THE INVESTIGATION

- A. The local department of social services may provide post-investigative protective and/or treatment services, and follow-up contacts to the child, family and named abuser.
- B. When a school employee is named as the abuser, the local school division may provide post-investigation corrective action, as deemed appropriate by the school, for the school facility and any personnel, including the named abuser.

IV. CONFIDENTIALITY

- A. Information shall be shared between appropriate staff of local departments of social services and local school divisions which is accurate, complete, timely and pertinent so as to assure fairness in determination of the disposition of the complaint.
- B. Appropriate precautions shall be taken by both local entities to safeguard the information maintained as a result of the investigation in accordance with the Department of Social Services' confidentiality laws governing child abuse and neglect investigations, except that information obtained from local school division shall be safeguarded in accordance with the confidentiality regulations which govern such information.

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MEMORANDUM

To: Community Services Board Executive Directors
Mental Retardation Directors
Child and Family Supervisors
Department of Social Services Local Directors
CPS Supervisors
CPS Workers
Local Part C Systems Managers

From: James S. Reinhard, M.D., Commissioner *[Signature]*
Department of Mental Health, Mental Retardation and Substance Abuse Services

Maurice A. Jones, Commissioner *[Signature]*
Department of Social Services

Date: January 11, 2005

Subject: Part C Procedures for Child Abuse Prevention and Treatment Act (CAPTA) Referrals

Amendments to the federal Child Abuse Prevention and Treatment Act (CAPTA) that were signed into law in 2003 require States to assure that the State has in place, among other things, provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act. The Virginia Departments of Social Services (DSS) and Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSA) have been working together for several months to develop effective policies and procedures for implementing this new CAPTA requirement.

In response to the CAPTA legislation, the Virginia Department of Social Services issued a requirement in July 2004 indicating that "when an investigation results in a disposition of founded on any child under the age of three or if a family assessment determines any child under the age of three to be in need of services to prevent risk of child abuse or neglect, that child shall be referred to the local Infant & Toddler Connection of Virginia (Part C Early Intervention System)." DMHMRSA provided feedback to DSS that the requirement to refer children based on the family assessment posed a number of problems for the Part C system, including the following:

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CHECKLIST FOR DESIGNATED OUT OF FAMILY INVESTIGATIONS

	CPS RESPONSIBILITY	DATE
1.	Receive report and enter into OASIS.	
2.	Report to Commonwealth Attorney and law enforcement all class 1 misdemeanors / felonies, as per local guidelines.	
3.	Contact CPS Program Specialist (plan investigation strategy).	
4.	If report involves school personnel, refer to Part V, Section 8.0, of the CPS Manual and Part V of the Appendix for guidance on these investigations.	
5.	Contact Regulatory agency, obtain name of staff who will investigate report jointly.	
6.	Contact that regulatory staff person to coordinate strategy of investigation.	
7.	Contact facility administrator to inform of impending visit (or announce presence to administrator upon arrival to facility).	
8.	Meet the licensing or regulatory person, if possible, at facility and go together to meet the administrator. Explain differing roles and expectations.	
9.	Advise administrator (or designee) of the allegations in the complaint. Invite their input for preliminary plans.	
10.	Request of administrator the following resources, as appropriate: <ul style="list-style-type: none"> • Private room/space to interview staff and children • Accompaniment to site of alleged abuse • Pertinent policies, records, guidelines • Names, function, roles of all involved parties • Work schedules of alleged abuser/neglector and other staff witnesses • Phone numbers of staff witnesses • Phone number and address for the alleged abuser 	

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	CPS RESPONSIBILITY	DATE
11.	<p>Interview the victim child(ren).</p> <ul style="list-style-type: none"> • The parent, guardian or agency holding custody should be notified in advance; when not practical shall notify as soon as possible. • CPS determines who can be present during this interview. • Audiotape interview. 	
12.	Determine Immediate Safety (if unsafe and child needs to be removed then the parent, guardian or agency holding custody shall be notified to mutually develop a safety plan).	
13.	<p>Interview Collateral Children.</p> <ul style="list-style-type: none"> • Before interviewing collateral children, consent of the child's parent, guardian, or agency holding custody should be obtained. 	
14.	<p>Interview alleged abuser/neglector.</p> <ul style="list-style-type: none"> • Offer audiotape and provide written notification. 	
15.	Interview collateral staff witnesses.	
16.	<p>Interview victim's parent, guardian or agency holding custody.</p> <ul style="list-style-type: none"> • They should be informed early in the process about the report. The investigative process should be explained. Obtain information about their knowledge of the allegations and the facility. They should be kept involved in the planning and support of the victim child. 	
17.	Keep the facility administrator apprised of the progress of the investigation. If working jointly with regulatory agency, CPS may decide who will perform these progress reports.	
18.	Although statutory authority for the disposition rests with the local agency, at the conclusion of the investigation the CPS worker shall contact the CPS Program Specialist to review the case prior to notifications being sent. This review should include supervisor if possible.	

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	CPS RESPONSIBILITY	DATE
19.	Notifications of disposition made to all parties. The alleged abuser/neglector and facility administrator should be verbally notified promptly. The alleged abuse should be notified first or at least at same time the facility administrator is notified.	
20.	Written report of the findings shall be submitted to the facility administrator and the involved regulatory staff person or school superintendent. This report shall include identification of the alleged abuser and victim as well as a summary of the investigation with an explanation of how the information supports the disposition. A copy of this report shall be sent to the abuser/neglector along with the letter of notification and rights of appeal.	
21.	Written notification of findings sent to the parent, guardian or agency that has custody. A verbal follow up is also encouraged. Parents should be advised that the victim (s) names will be purged after 30 days unless they make a request to keep listed in OASIS.	
22.	Post-investigative treatment services may be provided as needed by local agency to the child, family or abuser. Post-investigative corrective action follow up with the facility is the responsibility of the regulator and facility administration.	
23.	ALL contacts are documented in OASIS.	